

DEK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Marlene BARRAGAN-Vaca**  
Defendant


'08 MJ 2681

Magistrate Case No.

**COMPLAINT FOR VIOLATION OF:**  
Title 8, U.S.C. § 1324(a)(2)(B)(iii) -  
Bringing in Aliens Without Presentation,FILED  
2008 SEP 2 AM 10:17  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY KNH DEPUTY

The undersigned complainant, being duly sworn, states:

That on or about **August 29, 2008** within the Southern District of California, defendant **Marlene BARRAGAN-Vaca**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that the alien, **Leticia MARTINEZ-Aguilar** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

  
 SIGNATURE OF COMPLAINANT  
 Alfredo Loperena, Enforcement Officer  
 U.S. Customs and Border Protection
Sworn to before me and subscribed in my presence, this 2<sup>nd</sup> day of September, 2008.
  
 UNITED STATES MAGISTRATE JUDGE

 100A  
 9/29/08  
 KNH

KNH

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Michael Pederson, declare under penalty of perjury the following to be true and correct:

The complainant states that **Leticia MARTINEZ-Aguilar**, is a citizen of a country other than the United States; that said alien has admitted they are deportable; that their testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witnesses in relation to these criminal charges and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On **August 29, 2008** at approximately **3:00 PM**, **Marlene BARRAGAN-Vaca (Defendant)** made application for admission into the United States driving a white Ford Windstar at the San Ysidro Port of Entry. During preprimary inspection, a CBP Canine Enforcement Team received a positive alert to the vehicle Defendant was driving. Defendant presented her DSP-150 Border Crossing Card to a CBP Officer. Defendant gave two negative customs declarations and stated she was going to San Diego to pick up her daughter. Defendant told the CBP Officer that her husband purchased the vehicle one day ago. Another CBP Officer began inspecting the area of the Canine Enforcement Team alert and discovered a person concealed within a specially built compartment inside the driver side rear quarter panel wall. The CBP Officer handcuffed Defendant and escorted her to the security office.

In secondary inspection, a CBP Officer removed one individual from within a specially built compartment inside the driver side rear quarter panel wall of the vehicle. The individual is now identified as a Material Witness: **Leticia MARTINEZ-Aguilar (MW)**. Material Witness was determined to be a citizen of Mexico with no entitlements to enter, pass-through, or reside in the United States.

During a videotaped proceeding, Defendant acknowledged her Miranda rights and elected to answer question without the benefit of counsel. Defendant initially stated that she was on her way to K-Mart in San Ysidro to buy diapers for her son. Defendant stated that she is a widow and has only one minor son. When asked why she told the other officers she was married and had a daughter she simply stated she had never made those statements. Then defendant stated that she was made to drive the van by an acquaintance, but that she did not know there was anyone concealed within the vehicle. Defendant further stated that the alleged smugglers had her infant son and that he could possibly be in danger.

Ultimately, Defendant admitted to driving the vehicle containing undocumented aliens concealed within a specially built compartment inside the driver side rear quarter panel wall and that in fact she was to be paid \$1200.00 USD for the successful smuggling act. Defendant further stated that she was to call an unknown female smuggler in San Diego, where she was to meet and have the undocumented alien removed from the vehicle. She would then return to Mexico and collect her fee/payment.

A Videotaped interview was conducted with the Material Witness. MW stated she is a citizen of Mexico with no documents to lawfully enter or reside in the United States. MW

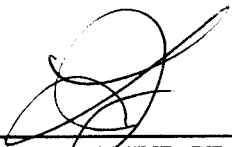
stated that she made the arrangements to be smuggled into the United States with an unknown female smuggler in Tijuana, Mexico. MW stated that she agreed to pay a smuggling fee \$4000.00 to be paid upon her successful entry into the United States. MW indicated that she was picked up on an unknown street in Tijuana, Mexico by two males and taken to an empty lot where the van was parked. MW further stated that the two males placed her in the compartment and she noted that the compartment had a strong odor of gasoline. MW stated that she was in the compartment for approximately one hour. MW stated that she did not see the driver, but that she heard a female voice. MW stated he intended to travel to Los Angeles, California to look for employment. MW stated that he knows it is illegal to enter the United States in this manner.

EXECUTED ON THIS 29th DAY OF August 2008 AT the San Ysidro Port of Entry.



Michael Pederson / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page(s), I find probable cause to believe that the defendant named therein committed the offense on August 29, 2008, in violation of Title 8, United States Code, Section 1324.



MAGISTRATE JUDGE

8/30/08 - 1146A  
DATE / TIME